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March 24, 2023

VIA ECF

The Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Noe Gonzalez, individually and on behalf of all others similarly situated v. The Cheesecake Factory Restaurants, Inc. d/b/a The Cheesecake Factory, Case 2:21-cv-05017-PKC-SIL – Pre-Motion Conference Request on Defendant’s Motion to Stay or Dismiss Case and to Compel Individual Arbitration

Your Honor:

Per the Court’s Individual Practice and Rule 3(A), Defendant The Cheesecake Factory Restaurant Inc. (“TCFI”) respectfully requests a pre-motion conference on TCFI’s motion to stay or dismiss this case as the Court deems appropriate and to compel Plaintiff Noe Gonzalez to individual arbitration in accordance with the binding, enforceable arbitration agreement that he is subject to.¹

TCFI filed a motion to compel arbitration on May 20, 2022. (*See* Dkt. 20). The motion was fully briefed on June 20, 2022. (*See* Dkt. 21, 23 and 24). On March 13, 2023, this Court denied the motion without prejudice to renew for “failure to attach a certified translation of the agreement between the parties.” (*See* Dkt. 34). Accordingly, TCFI seeks leave to refile a motion to compel arbitration and stay or dismiss this case in accordance with the Court’s March 13 order.

Thank you for Your Honor’s consideration of the above.

Sincerely,

/s/ Timothy Barbetta

Timothy Barbetta
Counsel for TCFI

cc: All counsel of record

¹ Per the Court’s Individual Practice and Rule 3(A), TCFI serves its letter motion within the time requirements of FRCP 12 so as to constitute timely service of a motion made pursuant to that provision.